



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **91-53 - Waiver of Requirements for Accessory Off-street Loading Berths**

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## 91-53 - Waiver of Requirements for Accessory Off-street Loading Berths

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LAST AMENDED

9/8/2011

- (a) For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) of this Section have been met:
- (1) waiver of #accessory# off-street loading berths required for such department store #use#;
  - (2) waiver of existing required #accessory# off-street loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and
  - (3) exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section [12-10](#) when such floor space will be used for such improved goods receiving and in-store transport system.
- (b) A plan for curbside deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and shall not interfere with the efficient functioning of nearby public transit facilities;
- (c) At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;
- (d) In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section [12-10](#), such floor space shall be used for the improved goods receiving and in-store transport system; and
- (e) A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording

information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.